

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Natural Resources and Environment to Reengrossed Senate Bill No. 183 by Senator N. Gautreaux

AMENDMENT NO. 1

On page 1, line 6, after "authority;" insert "to provide for approval of certain leases by port or port, harbor, and terminal districts;"

AMENDMENT NO. 2

On page 2, line 5, after "**board**" insert ", in consultation with the Department of Transportation and Development,"

AMENDMENT NO. 3

On page 2, line 14, delete "(1)"

AMENDMENT NO. 4

On page 2, delete lines 19 through 26 and insert the following:

"E.(1)(a) No lease affecting the following lands shall be granted for alternative energy sources development on such lands without prior written approval of a port or terminal district:

(i) Lands held in title by the port or terminal district or held by lease or servitude by such port or terminal district.

(ii) Public navigable waters that flow through any lands within the jurisdiction of a port or terminal district. Approval pursuant to this Item shall not be unreasonably withheld unless such lease would be detrimental to the needs of commerce and navigation.

(b) No port or port, harbor, and terminal district shall receive compensation for their approval.

(2) After the port or port, harbor, and terminal district decides whether or not to grant approval, the board shall send a notice by certified mail to the lease applicant for alternative energy sources development. The notice shall include the following:

(a) The decision of the port or port, harbor, and terminal district to provide either prior written approval of the lease or to deny approval of such lease.

(b) If the port or port, harbor, and terminal district does not grant prior written approval, notice that the lease applicant has sixty days from receipt of the notice to request an administrative hearing with the division of administrative law pursuant to Chapter 13-B of Title 49 of the Louisiana Revised Statutes. The request for an administrative hearing shall be filed with the division of administrative law, with copies mailed to the board and the port or terminal district.

(3) The port or port, harbor, and terminal district which does not grant prior written approval of a lease shall have the burden of proof, at the administrative hearing, that the lease is detrimental to the needs of commerce and navigation.

(4) The port or port, harbor, and terminal district shall contract with the division of administrative law to conduct the hearing. The administrative law judge may, in his discretion, assess the costs of the administrative hearing and reasonable attorney fees of the prevailing party against the losing party.

1 (5) Notwithstanding any provision of the law to the contrary, the lease
2 applicant or the port or port, harbor, and terminal district may petition the
3 district court for the parish of East Baton Rouge for judicial review of any final
4 decision or order of the administrative law judge."

5 AMENDMENT NO. 5

6 On page 2, line 27, change "E." to "F."